

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DENNIS DIMON

Plaintiff

v.

Civil Action No. 05-11073-NG

METROPOLITAN LIFE

INSURANCE COMPANY, KEMPER

INSURANCE COMPANY,

MORGAN STANLEY DW, INC.,

MICHAEL B. LATTI, LATTI

ASSOCIATES, LATTI & ANDERSON

LLP,

Defendants

**RULE 26(a)(3) DISCLOSURES OF DEFENDANT
KEMPER INSURANCE COMPANY**

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Defendant Kemper

Insurance Company submits the following pretrial disclosures:

A. The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises:

1. WITNESSES EXPECTED TO BE PRESENTED:

(A) **Dennis Dimon**
151 Holly Ridge Road
W. Kingston, RI 02892

(B) **William Mensie**
1 Kemper Drive K-8
Long Grove IL 60049-0001

(C) **Michael B. Latti, Esquire**
26 Surfpoint Road
York, ME 03909

2. WITNESSES WHO MAY BE CALLED IF THE NEED ARISES:

(A) **Barbara Fasman**

**200 Park Avenue
New York, NY 10166-0188**

- (B) Keeper of Records
Metropolitan Life Insurance Company
Address and Telephone Number Unknown at the Present Time**
- (C) John L. Noe
73 Old Stonehouse Rd.
Bedminster, NJ 07921**
- (D) Katherine Dimon
151 Holly Ridge Road
W. Kingston, RI 02892**
- (E) Roger E. Hughes, Jr., Esquire
Hughes & Associates
46 Accord Park Drive
Norwell, MA 02061**
- (F) Leonard Decof, Esquire
One Smith Hill
Providence, RI 02903**
- (G) W. Slater Allen, Jr., Esquire
Address and Telephone Number Unknown at the Present Time**
- (H) Keeper of Records
Morgan Stanley DW, Inc.
Address and Telephone Number Unknown at the Present Time**

Kemper reserves the right to call any witness listed by any other party in its pretrial disclosures.

- B.** The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony:

None at the present time.

- C.** An appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises:

- 1. EXHIBITS EXPECTED TO BE OFFERED**

- (A) A copy of a general release, dated April 19, 1983, signed by Dennis Jay Dimon;
- (B) A copy of check number 250-0-008-585, issued by the Kemper Group, in the amount of \$175,000.00;
- (C) A copy of the transcript of proceedings held on May 3, 1983 before the Honorable Judge Raymond J. Pettine, in the United States District Court for the District of Rhode Island, in a matter captioned *Dennis J. Dimon v. Jenny C., Inc.*;
- (D) A copy of a settlement sheet prepared on or about April 19, 1983, by Latti & Associates;
- (E) A copy of a proposal for a life annuity, dated April 8, 1983, prepared by Charter Security Life Insurance Company;
- (F) A copy of an annuity application signed by John L. Noe on or about May 4, 1983;
- (G) A copy of a Single Premium Deferred Annuity, issued on or about June 17, 1983, by Charter Security Life;
- (H) A copy of correspondence, dated July 14, 1983, from Barbara Boehm to Mr. Kurt Snyder;
- (I) A copy of correspondence, dated August 12, 1983, from John L. Noe to Mr. Robert A. Foley;
- (J) A copy of correspondence, dated September 26, 1983, from Robert Ligouri to Mr. John L. Noe;
- (K) A copy of correspondence, dated October 10, 1983, from John L. Noe to Mr. Robert Liguori;
- (L) A copy of correspondence, dated October 12, 1983, from John L. Noe to Ms. Barbara Boehm;
- (M) A copy of correspondence, dated October 14, 1983, from Barbara Boehm to Mr. John L. Noe;
- (N) A copy of a memorandum, dated April 18, 1983, from John L. Noe to Klaus Lemhoefer;
- (O) A copy of correspondence, dated May 3, 1983, from W. Slater Allen, Jr., to Mr. Jesus LaTorre;

- (P) A copy of a memorandum, dated November 8, 1983, from John L. Noe to Klaus Lemhoefer; and
- (Q) Any pleadings that have been filed by any current or former party to this lawsuit.

Respectfully submitted,

KEMPER INSURANCE COMPANY

by its attorneys,

/s/ Anthony B. Fioravanti

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Anthony B. Fioravanti (BBO #664823)
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Dated: March 17, 2008

Certification of Service

I hereby certify that a true and accurate copy of the foregoing document was filed via the ECF system and will be served electronically through that system upon Counsel of Record on March 17, 2008.

/s/ Anthony B. Fioravanti

Anthony B. Fioravanti